

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EDWARD THOMAS KENNEDY,

Plaintiff,

v.

BOROUGH OF MINERSVILLE
PENNSYLVANIA, *et al.*,

Defendants.

NO. 3:19-CV-0124

(JUDGE CAPUTO)

MEMORANDUM ORDER

Presently before me is Magistrate Judge Arbuckle's Report and Recommendation (Doc. 7) recommending that Plaintiff Edward Thomas Kennedy's Complaint be dismissed without prejudice and without leave to amend. While Plaintiff timely filed objections to the Report and Recommendation, (*see* Doc. 8, *generally*; Doc. 11, *generally*), the entirety of his objection is he "does not and did not consent to the services of a U.S. Magistrate Judge." (*Id.*).

When objections to the magistrate judge's report are filed, the court must conduct a *de novo* review of the contested portions of the report. *Sample v. Diecks*, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989) (citing 28 U.S.C. § 636(b)(1)). However, this only applies to the extent that a party's objections are both timely and specific; if objections are merely "general in nature," the court "need not conduct a *de novo* determination." *Goney v. Clark*, 749 F.2d 5, 6-7 (3d Cir. 1984). Indeed, the Third Circuit has instructed that "providing a complete *de novo* determination where only a general objection to the report is offered would undermine the efficiency the magistrate system was meant to contribute to the judicial process." *Id.* at 7. In conducting a *de novo* review, the court may accept, reject, or modify, in whole or in part, the factual findings or legal conclusions of the magistrate judge. *See* 28 U.S.C. § 636(b)(1); *Owens v. Beard*, 829 F. Supp. 736, 738 (M.D. Pa. 1993). Uncontested portions of the Report may be reviewed at a standard determined by the district court. *See Thomas v. Arn*, 474 U.S.

140, 154 (1985); *Goney*, 749 F.2d at 7. At the very least, the court should review uncontested portions for clear error or manifest injustice. *See, e.g., Cruz v. Chater*, 990 F. Supp. 375, 376-77 (M.D. Pa. 1998).

Here, Plaintiff's objections are not specific. In particular, Plaintiff does not take issue with the substance of any of the Magistrate Judge's conclusions and/or recommendations. As such, the Report and Recommendation is reviewed for clear error, and finding none, it will be adopted. *See, e.g., Kennedy v. Casey*, No. 19-67, 2019 WL 3002930, at *1 (M.D. Pa. July 10, 2019); *Kennedy v. Petrus*, No. 18-697, 2019 WL 1867942, at *1 (M.D. Pa. Apr. 25, 2019). Moreover, Plaintiff's consent was not required for the Magistrate Judge to screen the Complaint and submit the instant Report and Recommendation under review. *See Allen v. Sessions*, No. 16-1956, 2018 WL 3545918, at *1 (1st Cir. Mar. 19, 2018); *Driver v. Zamora*, 621 F. App'x 421 (9th Cir. 2015); *Ferri v. Colvin*, No. 16-143, 2016 WL 595306, at *2 (M.D. Pa. Feb. 12, 2016).

ACCORDINGLY, this 11th day of September, 2019, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 7) is **ADOPTED**.
- (2) The Complaint is **DISMISSED**.
- (3) The Motion to Compel Service (Doc. 13) is **DENIED as moot**.
- (4) The Clerk of Court is directed to mark the case as **CLOSED**.


A. Richard Caputo
United States District Judge